

# USACE Issues ROD: Permitting for Proposed Project Moves Forward

The Western Wake Regional Wastewater Management Facilities (WWRWMF) proposed project has reached a significant milestone: the US Army Corps of Engineers (USACE) issued its Record of Decision (ROD) concluding the National Environmental Policy Act (NEPA) environmental review process that began in April 2007. The ROD is the final step in the review process.

In addition, the North Carolina Department of Environment and Natural Resources (NCDENR), Division of Water Quality (DWQ) has issued the North Carolina 401 Water Quality certification, and the USACE has issued a Department of the Army Permit pursuant to Section 404 of the Clean Water Act. Other permitting for the proposed project now begins.

## Background

The USACE is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including adjacent wetlands. The USACE was asked to issue a Section 404 permit for the proposed project, and because their decision to issue or deny a permit under these laws is a significant Federal Action, various other statutes, principally Public Law 91-190 (the National Environmental Policy Act, or NEPA) come into play. The USACE initiated an Environmental Impact Statement (EIS) under NEPA to evaluate and document the potential environmental impacts associated with implementing the proposed project and the identified alternatives for the proposed project.

The **National Environmental Policy Act (NEPA)** is a United States environmental law that established a U.S. national policy promoting the enhancement of the environment and also established the President's Council on Environmental Quality (CEQ).

NEPA's most significant effect was to set up procedural requirements for all federal government agencies to prepare Environmental Assessments (EAs) and Environmental Impact Statements (EISs). EAs and EISs contain statements of the environmental effects of proposed federal agency actions.

The ROD is a document that states the USACE's decision; identifies the alternatives considered, including the environmentally preferred alternative; and discusses mitigation plans, including any enforcement and monitoring commitments. A ROD is the formal decision document recorded for the public.

With the USACE's ROD being issued for the WWRWMF, the NCDENR DWQ 401 Water Quality Certification and the USACE Individual 404 Permit for Impacts to Wetlands and Streams have also been issued. Electronic copies of the documents are available to download on the USACE website at: <http://www.saw.usace.army.mil/Wetlands/Projects/WW-WTP/index.html>. Complete hard copies are also available for public viewing at each of the locations listed below:

**TABLE 1**

Public Locations of the ROD, 404 Permit and 401 Certification

Location	Address
New Hill First Baptist Church	3016 New Hill Holleman Road, New Hill, NC 27562
New Hill Baptist Church	3700 Old US 1, New Hill, NC 27562
NC DENR DWQ CG&L Section Library	2728 Capital Blvd., Raleigh, NC 27604
Town of Apex Eva Perry Library	2100 Shepherds Vineyard Drive, Apex, NC 27502
Town of Apex Town Hall	73 Hunter St, Apex, NC 27502

Town of Cary Downtown Library	310 S. Academy Street, Cary, NC 27511
Town of Cary West Regional Library	4000 Louis Stephens Drive, Cary, NC 27519
Town of Cary Town Hall Engineering Department	316 N. Academy St, Cary NC 27512
Town of Holly Springs Library	300 W. Ballentine Street, Holly Springs, NC 27540
Town of Holly Springs Town Hall	128 S. Main St, Holly Springs, NC 27540
Town of Morrisville Town Hall	100 Town Hall Drive, Morrisville, NC 27560
Town of Morrisville Development Services Office	Public Safety and Municipal Services Building, 260 Town Hall Drive, Morrisville, NC 27560
US Army Corps of Engineers	3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587
US Army Corps of Engineers	62 Darlington Avenue, Wilmington, NC 28403

Activities are now underway to obtain additional permits and approvals for construction and operation.

### **Permitting**

Permits and approvals from several Federal, State, County, and local agencies are required for construction and operation of the components of the proposed project which include raw wastewater pipelines and pump stations, a water reclamation facility (WRF) located in the New Hill area of Apex, treated wastewater pipelines, and a discharge to the Cape Fear River. All of the necessary permits and approvals are identified below.

#### **NCDENR**

- Division of Water Quality (DWQ) National Pollutant Discharge Elimination System (NPDES) Permit
- DWQ Construction Grants and Loans (CG&L) Section Authorization to Construct
- DWQ Sewer Permit
- DWQ Sanitary Sewer/Pump Station Permit
- Division of Air Quality (DAQ) Air Permit
- Division of Land Quality (DLQ) Erosion and Sediment Control Plan

#### **North Carolina Department of Insurance Office of State Fire Marshall Approval**

#### **North Carolina Department of Transportation (NCDOT)**

- Driveway Permit
- Encroachment Agreement

#### **Wake County**

- WRF/EPS Sign Approval
- Site Plan Approval
- Building Permit

#### **Town of Apex**

- Site Plan Approval
- Construction Plan Approval
- Building Permit
- Gravity Sewer Permit
- Water Main Permit

Opportunities for public involvement during permitting activities include:

- NCDENR DWQ National Pollutant Discharge Elimination System (NPDES) permitting process draft permit review and public hearing.
- Town of Apex site plan approval process neighborhood meeting and public hearing.

In addition to these opportunities for the public to be involved, the Partners are committed to sharing information and seeking input from property owners and residents neighboring the project facilities throughout the permitting and construction phases, and during facility operations.